

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MANUEL STEVEN GUARDADO,)

Petitioner,)

vs.)

NEVADA ATTORNEY GENERAL, *et al.*,)

Respondents.)

3:10-cv-00103-LRH-WGC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

This action was dismissed without prejudice, and the case closed administratively, pursuant to an order entered December 27, 2011. (ECF No. 35). The dismissal resulted from petitioner's election to return to state court to exhaust his state-court remedies with respect to certain of his grounds for relief. Petitioner's further state-court proceedings have apparently concluded, and petitioner has now returned to this Court seeking to reopen this case. (ECF No. 36). Petitioner advises he is ready to file an amended petition and supplemental exhibits. The Court will grant petitioner's motion to reopen this case.

Petitioner has also requested the appointment of counsel. (ECF No. 37). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.),

1 *cert. denied*, 469 U.S. 838 (1984). This Court denied petitioner's prior motion for the appointment
2 of counsel. (ECF No. 8). Petitioner has presented nothing that would persuade this Court to alter its
3 prior decision denying the appointment of counsel.

4 **IT IS THEREFORE ORDERED** that petitioner's motion to reopen this action (ECF No.
5 36) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Clerk shall **REOPEN THE FILE**.

7 **IT IS FURTHER ORDERED** that petitioner shall have **thirty (30) days** from the date of
8 entry of this order to file and serve an amended petition, and if necessary, supplemental exhibits.


9 **IT IS FURTHER ORDERED** that respondents shall have **thirty (30) days** following
10 service of the amended petition to file and serve an answer or other response to the amended petition.

11 **IT IS FURTHER ORDERED** that petitioner shall have **thirty (30) days** following service
12 of the answer to file and serve a reply brief.

13 **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (ECF
14 No. 37) is **DENIED**.

15 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy (paper) copies of all
16 exhibits presented in support of the amended petition and the response to the amended petition to the
17 **Reno** Division of this Court. Courtesy copies shall be mailed to the Clerk of Court, 400 S. Virginia
18 St., Reno, NV, 89501, and directed to the attention of "Staff Attorney" on the outside of the mailing
19 address label.

20 Dated this 21st day of November, 2013.

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23 LARRY R. HICKS
24 UNITED STATES DISTRICT JUDGE
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